

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

07 CIV 9697

BRIAN KALLINEN, Derivatively On Behalf
of E*TRADE FINANCIAL CORPORATION,

Case No.

Plaintiff,

RULE 7.1 STATEMENT

vs.

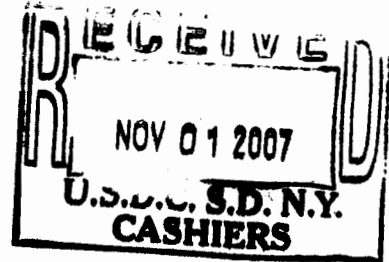
MITCHELL H. CAPLAN, R. JARRETT
LILIEN, ROBERT J. SIMMONS, GEORGE
A. HAYTER, DARYL BREWSTER,
RONALD D. FISHER, MICHAEL K. PARKS,
C. CATHLEEN RAFFAELI, LEWIS E.
RANDALL, DONNA L. WEAVER and
STEPHEN H. WILLARD,

Defendants,

-and-

E*TRADE FINANCIAL CORPORATION, a
Delaware corporation,

Nominal Defendant.



Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiff Brian Kallinen, Derivatively on Behalf of E*Trade Financial Corporation (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held:

No corporate parent
No publicly held affiliates or subsidiaries

Date: October 31, 2007

Signature of Attorney

Attorney Bar Code: TGA-1515